

REMARKS

Claims 18-22, 24, 25, and 27-40 are now pending in the application. Claims 18, 19-21, 25, 31-32, and 35 are amended therein. Claims 1-17, 23 and 26 were previously cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 19-21, 25, 31-32 and 35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

Claims 19-21, 25, 31-32 and 35 have been amended according the Examiner's suggestion. Applicants' believe this rejection has been traversed. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 18, 20-22, 24-25, 27-28, 31-33, 36-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MacKay (GB 360968) and further in view of Barash (US 3,542,910).

In this regard, the Examiner suggests that MacKay teaches a method for the preparation of material having a leather-like surface, comprising the steps of: applying a pulp comprising leather fibers, suspending agents, binders and optionally additives, to the porous surface of a vacuum tool; applying a vacuum in the vacuum tool to deposit pulp to a desired layer thickness along the porous surface; and transferring the material

to a press tool and applying pressure to remove moisture and densify it. MacKay does not explicitly teach a vacuum tool having the geometry of a three-dimensional molded part. The Examiner further contends that the vacuum tool “screen” disclosed by MacKay is capable of being arranged into a three-dimensional geometry, and a mere change in shape would have been within the level of ordinary skill in the art. Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this well-known option which is well within his or her technical grasp, for the benefit of forming an object of three-dimensional structure. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made, when changing shape to a three-dimensional geometry, to take care in applying the pulp uniformly around the three-dimensional screen since MacKay teaches spreading it in a thin layer.

The Examiner correctly states that MacKay does not teach pulp containing leather fibers in an amount of from 0.1 to 10% by weight and of a length of from 0.1 to 15mm.

However, the Examiner contends that Barash, in the same field of endeavor of reconstituted leather manufacture, teaches that a pulp is employed which contains leather fibers of length of from 0.1 to 15 mm and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MacKay in view of Barash, to employ pulp which contains leather fibers of length of from 0.1 to 15mm, since the methods lend themselves to optimization, and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Therefore, the

Examiner contends, one would have been motivated to perform routine experimentation for the purpose of optimizing process parameters.

The foreign rejections are respectfully traversed.

Applicant submits that the use of suspending agents in a pulp containing leather fibers as required under the present invention differs from MacKay. The suspending agents are utilized to maintain the short fibers in solution without precipitation. It is critical to suspend shorter fibers under the present invention in order to obtain a consistent leather-like surface. In contrast, MacKay teaches the use of acids, etc., to cause precipitation of the binder in order to wet the fibers.

While MacKay is silent as to the length of fibers, it can be assumed, based on the interest in precipitating the binder onto the fibers under MacKay that longer fibers are being utilized. Applicant proposes to amend claim 18 to clarify that the leather fibers of the pulp have a length of from 0.2 to 3mm as opposed to the presently claimed range of 0.1 to 15mm. The Baresh reference which has been cited along with MacKay teaches fibers of a length between 0.25 to 1 inch in length. A length of 0.25 inches equates to 6.35 mm which would be outside of the proposed amended claim range. Interestingly, Baresh also comments that the use of fibers outside of the 0.25 to 1 inch range result in product that has numerous drawbacks.

In particular, Baresh notes at col. 2, line 45+ that the leather fibers used must be of a length of between 0.25 – 1 inch in length. Fibers having a thickness or length substantially less than those specified add little or nothing to the characteristics of the product and should be avoided. Fibers having a thickness or length substantially greater than specified are also undesirable. It is important that the bulk of fibers have a

thickness and length within the specified ranges of sheet material having the desired physical characteristics is to be produced.

As for the Dimiter reference, this document teaches reconstituting pulverized leather particles to obtain products having a leather-like finish. Such particles have a upper limit range of 100 mesh which would correspond to 0.1mm. Thus, even if Dimiter were broadly interpreted as disclosing the use of "leather fibers", they still fall outside the proposed range.

Finally, Applicant notes that In re Aller is readily distinguishable from the present situation. Under Aller, the appellants employed the same process as the prior art and merely altered the temperature at which the process was carried out and used a higher sulfuric acid concentration. Under the presently claimed invention, a uniquely shaped vacuum tool (mold) is employed. As a result of using the uniquely shaped vacuum tool to give three dimensional shaped products, an equally unique composition is required in order to achieve a useful end product. The discovery of the appropriate composition and ranges therefore, especially in view of the art teaching away of such ranges (see Baresh), raises to a level well beyond "routine experimentation" as suggested by the Examiner.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: /Robert M. Siminski/
Robert M. Siminski
Reg. No. 36,007

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

RMS/jao